

REMARKS

Review and reconsideration of the application in view of Applicants' amendments and remarks are respectfully requested. Claims 1, 2, 5, 9-17, 19-23, 26, 30-38, 40-44, 47, 51-59 and 61-65 are pending in the present application. Claims 1, 2, 5, 9-17, 19-23, 26, 30-38, 40-44, 47, 51-59 and 61-65 have been rejected. Claims 1, 20, 22, 41, 43, 62 and 64 have been amended.

Claims 20, 41 and 62 have been rejected under 35 USC § 112, second paragraph, as being indefinite. Applicants have amended claims 20, 41 and 62 to recite "the fusing surface layer comprises at least about [20, 30 or 40] parts discontinuous phase per 100 parts by weight of the fluoroelastomer continuous phase." Support for this amendment is found in paragraph 0183. It is believed that this amendment this rejection should be withdrawn.

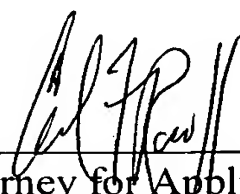
Claims 1, 2, 5, 9-17, 19-23, 26, 30-38, 40-44, 47, 51-59 and 61-65 have been rejected under 35 USC § 103(a) as being unpatentable over US 5,395,723 (Mahabadi) combined with US 6,586,100 B1 (Pickering '100), as evidenced by Applicants' admissions in Examples 1-7 and in Table 2 of the instant specification. Claims 1, 22, 43 and 64 have been amended to require that the toner have a viscosity of at least 100 Kpoise at a temperature of from 120 to 200°C. Support for this amendment is found in paragraph 0197 of the specification. The Examiner has indicated that the previous arguments were not persuasive as Mahabadi teach that the toner its toner may have a melt viscosity of 100 Kpoise at 100°C. However, with the amendments to Claims 1, 22 and 43 it is clear that Mahabadi teaches away from the present invention. Mahabadi is concerned with producing low gloss by providing a toner with a large gel component, at least 20 % (col. 6, lines 56-67). The present invention provides a method of producing low gloss regardless of the toner used. In fact, it is preferably to have toners with a high melt viscosity as this allows for increased speeds. In Mahabadi, all the Examples show toners having a melt viscosity of substantially less than 100 Kpoise at 120°C. Furthermore, in Figure 1 of Mahabadi, the wide fusing latitude curve (B), shows a viscosity of approximately 10,000 poise at 120°C. Applicants' invention requires a viscosity of the toner of at least 100 Kpoise at 120 to 200°C. As the temperature of fusing increases, the melt viscosity of the toners of Mahabadi is decreased. Thus, Applicants' claimed

invention does not encompass the toners of Mahabadi. Further, the combination of Pickering with Mahabadi would not yield Applicants' invention as the toner of Mahabadi is outside the viscosity and temperature limitations of the claimed invention. Therefore, Applicants' believe this rejection has been obviated.

For at least the reasons set forth above, Applicants submit all of Claims 1, 2, 5, 9-17, 19-23, 26, 30-38, 40-44, 47, 51-59 and 61-65 are in condition for allowance. Prompt and favorable action is respectfully requested.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 34,241

Carl F. Ruoff/cak
Rochester, NY 14650
Telephone: 585-588-2718
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.